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OIP TRANSMITTAL
FORM

JUN 27 2006

(to be used for all correspondence after initial filing)

Application Number 10/534,222

Filing Date May 6, 2005

First Named Inventor John Barry FINN

Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

Attorney Docket Number 123-002

Total Number of Pages in This Submission 8

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/ Incomplete Application☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation☐ Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

1. Declaration
2. Check for \$225.00
3. Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Intellectual Property Law Office of Joel D. Voelzke

Signature

Printed name

Joel D. Voelzke

Date

June 23, 2006

Reg. No.

37,957

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name

Justina S. Townsend

Date

June 23, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Justina S. Townsend
Justina S. Townsend

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. : 123-002
First Named Inventor: : John Barry FINN
Application No. : 10/534,222
Filing Date : May 6, 2005
Title : A DISTILLATION UNIT AND A METHOD OF DISTILLATION
Art Unit : Not Yet Assigned
Examiner's Name: : Not Yet Assigned
Customer Number: : 47533

RENEWED PETITION UNDER 37 C.F.R. 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is response to the Decision on Petition (undated) received by Applicant on February 27, 2006.

In the Decision on Petition, the Office states that :

The Declaration of Brian Douglas Jenkins states that "Mr. Finn has ceased being an active Director of H2O Holdings and refuses to sign the inventors Declaration for this application." However, no documentary evidence to support the refusal or the attempt was provided with Mr. Jenkins declaration.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first-hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to John Barry Finn, and when such papers were sent. In addition,

copies of documentary evidence such as a Certified Mail Return receipt, cover letter of instructions, telegrams, etc. should be supplied with the Declaration.

In response, Applicant submits the Declaration of Phillip Pluck, who is the Australian attorney representing the owner of the application, H2O Holdings. In the Declaration, Mr. Pluck documents his conversation with the non-signing inventor Mr. Finn, that Mr. Finn acknowledged that a copy of the Inventor's Declaration was given to him for signature, and that Mr. Finn refused to sign the Inventor's Declaration.

Applicant respectfully submits that the Declaration of Phillip Pluck provides the required proof that the non-signing inventor refuses to sign the application.

A petition for a two month extension and the associated extension fee is enclosed herewith.

CONCLUSIONS

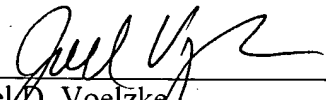
Applicant submits that by this submission, the requirements for a substitute declaration on behalf of the non-signing inventor John Barry Finn has been provided, and urges that the application is now in condition for passing to examination on the merits.

Respectfully submitted,

INTELLECTUAL PROPERTY LAW OFFICE OF
JOEL D. VOELZKE

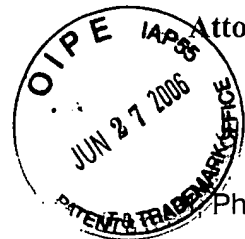
DATED: June 23, 2006

By:



Joel D. Voelzke
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Attorney Docket No. 132-002

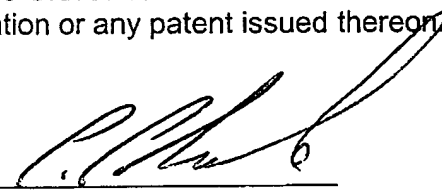
**DECLARATION UNDER 37 CFR § 1.47 AND 37 CFR § 1.64
REGARDING NON-SIGNING INVENTOR**

Phillip Pluck, hereby declare as follows:

1. I am an Australian Registered Patent Attorney, practicing at the firm of Shelston IP in Sydney, Australia.
2. Shelston IP, in conjunction with the Intellectual Property Law Office of Joel Voelzke, has responsibility for the prosecution of United States Patent Application Serial No. 10/534,222 entitled A DISTILLATION UNIT AND A METHOD OF DISTILLATION.
3. On 9 June, 2006 I telephoned Mr John Finn, at telephone number 02 4362 8945, and I said words to the effect that I am a patent attorney working on United States Patent Application Serial No. 10/534,222 entitled A DISTILLATION UNIT AND A METHOD OF DISTILLATION and asked to speak with Mr John Finn.
4. In the telephone conversation mentioned in the preceding paragraph Mr John Finn took the phone and I said words to the effect of asking Mr Finn whether he still has the Inventor's Declaration that was given to him by Mr Brian Jenkins on 17 December, 2003 in relation to United States Patent Application Serial No. 10/534,222 entitled A DISTILLATION UNIT AND A METHOD OF DISTILLATION.
5. In answer to the question mentioned in the preceding paragraph, Mr John Finn said words to the effect that he probably still has the Inventor's Declaration.
6. I then said to Mr Finn words to the effect of asking whether he would be willing to sign the Inventor's Declaration.
7. In answer to the question mentioned in the preceding paragraph, Mr John Finn said words to the effect that he would not be willing to sign the Inventor's Declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 16 June, 2006


Phillip Pluck